

[Code of Federal Regulations]
[Title 5, Volume 3]
[Revised as of January 1, 2004]
From the U.S. Government Printing Office via GPO Access
[CITE: **5CFR2638**]

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TITLE 5--ADMINISTRATIVE PERSONNEL

CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS

PART 2638 _OFFICE OF GOVERNMENT ETHICS AND EXECUTIVE AGENCY ETHICS PROGRAM RESPONSIBILITIES--Table of Contents

Subpart G _Executive Agency Ethics Training Programs

Sec. 2638.704 Annual ethics training for public filers.

(a) Covered employees. Each calendar year, agencies must give verbal ethics training to employees who are required by 5 CFR part 2634 to file public financial disclosure reports.

(b) Content of training. Agencies are encouraged to vary the content of verbal training from year to year but the training must include, at least, a review of:

- (1) The Principles;
- (2) The Standards;
- (3) Any agency supplemental standards;
- (4) The Federal conflict of interest statutes; and
- (5) The names, titles, and office addresses and telephone numbers of the designated agency ethics official and other agency ethics officials available to advise the employee on ethics issues.

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(c) Length and presentation of training. Employees must be given at least one hour of official duty time for verbal training. The training must be:

(1) Presented by a qualified instructor; or
(2) Prepared by a qualified instructor and presented by telecommunications, computer, audiotape, or videotape.
(d) Availability of qualified instructor. A qualified instructor must be available during and immediately after the training. Qualified instructors are:

- (1) The designated agency ethics official;
- (2) The alternate agency ethics official;
- (3) A deputy agency ethics official;
- (4) Employees of the Office of Government Ethics (OGE) designated by OGE; and
- (5) Persons whom the designated agency ethics official (or his or her designee) determines are qualified to respond to ethics questions raised during the training.

Example 1 to paragraph (d): An agency provides annual ethics training for public filers in a regional office by establishing a video conference link between the regional office and a qualified instructor in the headquarters office. The video link provides for direct and immediate communication between the qualified instructor and the employees receiving the training. Even though the qualified instructor is not physically located in the room where the training occurs, the qualified instructor is available.

Example 2 to paragraph (d): The agency described in the preceding example provides videotaped training instead of training through a video conference link. The employees viewing the videotape are provided with a telephone at the training site and the telephone number of a qualified instructor who is standing by during and immediately after the training to answer any questions. Under these circumstances, a qualified instructor is available.

Example 3 to paragraph (d): In the preceding example, if no telephone had been provided at the training site or if a qualified instructor was not standing by to respond to any questions raised, there would not be a qualified instructor available. Merely providing the phone number of the qualified instructor would not satisfy the requirement that a qualified instructor be available.

(e) Exceptions. Verbal training without a qualified instructor available or written training prepared by a qualified instructor will satisfy the verbal training requirement for a public filer (or group of

public filers) if one hour of official duty time is provided for the training and:

(1) The designated agency ethics official (or his or her designee) makes a written determination that it would be impractical to provide verbal training with a qualified instructor available; or

(2) The employee is a special Government employee.

Example to paragraph (e)(1): The only public filer in the American Embassy in Ulan Bator, Mongolia is the Ambassador. Because of the difference in time zones and the uncertainty of the Ambassador's schedule, the designated agency ethics official for the State Department is justified in making a written determination that it would be impractical to provide the Ambassador with verbal training. In this case, the Ambassador may receive written training prepared by a qualified instructor.